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Governor

RETAIL WASTE WORKING GROUP (RWWG) STEERING COMMITTEE

MEETING MINUTES

January 20, 2017

10:00 AM – 12:00 PM

CalEPA Building, Conference Room 12-08 (Telephone Conference 877-671-9503)

Steering Committee Members Present (21): **Angie Manetti** – California Retailers Assn; **Greg Blount, Angela Levin** - CVS Drug Stores; **Myron Eng, Wendy Brant** – Walmart; **John Benton** – Inmar/Ralph's; **Michael Steel** - Ralph's; **Keri Askew-Bailey** - CA Grocers Assn; **Ian Davis, Holly Fraumeni** - Personal Care Products Council; **Kristen Alstad, Scott Reisch** - Inmar; **Gavin Pendleton** - Costco; **Neena Sahasrabudhe, Mathew Evans, Megan Cambridge** – Department of Toxic Substances Control (DTSC); **Ron Pilorin, Tommy Asoo** – California Department of Public Health; **Ed Ochoa** – Attorney General; **William Fallon** – Orange County District Attorney's Office; **Rachel Wagoner** – Senate EQ Committee; **Page Brokaw** – Assembly ESTM; **Heather Tanner** – CUPA Sacramento County; **Romina Schiess, Cher Vue** – CUPA San Diego County; **Michelle D, Henry** – CUPA San Joaquin County; **Larry Sweetser** – Rural Counties Environmental Services Representative; **Andria Ventura** – Clean Water Action; **Heidi Sanborn** - CPSC

Meeting Minutes of January 6, 2017 - Neena Sahasrabudhe, DTSC's Research and Policy Development Unit of the Hazardous Waste Management Program (HWMP), presented the January 6, 2017 RWWG Steering Committee meeting minutes. Two corrections were received. One is regarding representation of the steering committee member and another regarding explaining the information of the products with drug facts and pharmaceuticals that can have more environmentally sound options to incineration of medical waste. RWWG Steering Committee meeting minutes were approved after incorporating the two corrections. The edited version of January 6, 2017 will be posted on DTSC's webpage.

Opening Remarks - Megan Cambridge, Supervisor, DTSC's Research and Policy Development Unit of the HWMP, opened the meeting by thanking all eight subgroup teams in their efforts to provide an initial list of problem statements including consequences. The list of all eight subgroups was distributed prior to the meeting. Additions and edits to the team leads and members of subgroups are updated and uploaded to the web site. The goal in capturing the problem statements is to receive input and obtain consensus from the committee members and then evaluate the

information to develop options and solutions. DTSC will provide input and comments to the problem statements.

Discussion Topic

Highlights of the steering committee discussion on the four problem statements and associated consequences are provided below:

1) Supplements/Products with Drug Facts

- Concern with the definition of Over-the-counter ["OTC"] in relation to the definition of pharmaceuticals; need better term for OTC.
- Under the California Medical Waste Management Act (MWMA) "Pharmaceutical" includes an "over-the-counter ["OTC"] provided it does not include any pharmaceutical that is regulated pursuant to the federal Resource Conservation and Recovery Act (RCRA).
- Dietary supplements are labeled with "Supplement Facts." Confusion and/or concern that dietary supplements could be considered "pharmaceuticals" and therefore may be regulated under MWMA. Some retailers manage and destroy unsold dietary supplements as medical waste, out of caution.
- Concerns were raised about the disposal of OTCs to lined and unlined landfills and into sanitary sewers.

2) Recalls

- Products may be recalled for public safety, general product and distribution recalls.
- Credit is an important part of the recall process.
- A third party is responsible to collect recalled products in centralized location.
- A system is required to send items back to manufacturers.
- There is uncertainty concerning the point of generation for discarded and recalled items that may be hazardous waste or medical waste under California laws and regulations.
- AB1860 (2009) legislation associated with the responsibility of who pays for take backs.

3) Donations

- Unsold consumer products may be transported to reverse logistics for disposition.
- Dispositions may include donation, liquidation, return to vendor, recycling and disposal.
- By aggregating large quantities of unsold consumer products, reverse distribution plays an important role in getting unsold consumer products to charities.
- With respect to items that are disposed of, if the item is a hazardous waste, then it has to be managed under California Hazardous Waste Control Law.

- Unsold consumer products transported to charities may include products for which there is ultimately no charitable demand. This is often not known until delivery and review by the reverse logistics facility.
- There is some concern about sham donation – donation of items that are wastes and that a charity would then need to dispose of.
- There is a need to clarify the term donation and when and who makes the determination of when an unsold consumer product becomes a waste.

4) Recycling

- Recycling is a broad statement and subgroup committee request feedback from CalRecycle.
- The group discussed needing to identify criterion and options for retail items under the definition of reuse and recycle. Others saw the statute being clearly defined. Other saw the need to eliminate the uncertainty.
- There are Health and Safety Code sections in HWCL for recycling exemptions and reclamation.
- There is no specific fix for all retail products; rather there is existing law for recycling that can include universal waste.

Summary of Discussion and Action Items

Eight subgroup topic areas were assigned team leads and committee members made up of those that volunteered to work on the issues. The next four of the eight subtopics will be discussed during next RWWG steering committee meeting on February 3, 2017. These include manufacturing credit, partial and partially empty containers, aquatic toxicity, and hazardous waste determination. The subcommittee members will communicate with team leaders and co-members via interim calls to continue their efforts. Each group is to present their problem statements by Thursday, January 26, 2016 to DTSC.

Review Schedule and Adjourn Meeting End

Post-Meeting Action Items

| Action Item | Assigned To | Due Date |
|---|--------------------------|----------|
| DTSC to edit/add the names of subcommittee members | DTSC - HWMP | Jan. 23 |
| Subcommittee leads to contact subcommittee members and set up Interim calls | Steering Committee Leads | Jan. 25 |
| Distribute agenda for February 3 meeting | DTSC – HWMP | Jan. 30 |
| Distribute minutes to the January 20 meeting | DTSC – HWMP | Jan. 30 |
| DTSC to comment on subgroup documents | DTSC- HWMP | Feb 2 |